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**DATE:** September 22, 2006

RE: 10/069,950

TO: Examiner G. Kishore

**FROM: Ira J. Schultz**

**NUMBER OF PAGES:** 6

Attached is a response filed on Sept. 27, 2005 which did not make its way to the file of this application.

Due Date October 6, 2005 Docket No. 02043/Beau/IS/cdApplicant Sophie GAUBERT et al Mail Room xx Group SN/PN 10/069.050 Other Title COMPOSITION TO BE ADMINISTERED THROUGH MUCOUS MEMBRANCE Declaration  Assignment Priority Document(s) (# ) IDS 1449 # of Docs:  Request for Corrected Filing Receipt Restriction Response  OA Response Preliminary Amendment  Letter Supplemental Amendment  AAFR Notice of Appeal  Appeal Brief Petition (type)  Request for    month EOT  Request for Certificate of Correction Drawings - No. of Sheets   Notice to File Missing Parts RCE Transmittal Form  Notice to File Missing Requirements Fees \$    For  Check    Deposit Account  Credit Card Form PTO-2038  Other 

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Dkt. 02043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SOPHIE GAUBERT et al

Group Art Unit: 1615

Serial No.: 10/069,050

Examiner: G.S. Kishore

Filed: March 7, 2002

For: COMPOSITION TO BE ADMINISTERED THROUGH MUCOUS MEMBRANE

RESPONSE

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants' attorney is appreciative of the interview granted by Examiner Kishore to the undersigned and to inventor Rene Laversanne on August 29, 2005.

Claims 16-17, 21-29 and 31 have been rejected under 35 USC 102(b) as anticipated by De Haan et al. De Haan et al is alleged to teach intra-nasal administration of multilamellar vesicles containing influenza viral sub-units.

The claimed invention is directed to administration of multilamellar vesicles with an onion-like structure having an internal liquid crystal structure formed by a stack of concentric bilayers based on amphiphilic agents alternating with layers of water, an aqueous solution or a solution of polar liquid. As was discussed at the interview, De Haan discloses the use of conventional liposomes, whereas the claimed invention is directed to the use of multilamellar vesicles as disclosed in the Roux et al reference, US